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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,347	11/19/2001	Yuichiro Ogawa	109808	8515

25944 7590 10/17/2006

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT PAPER NUMBER

1733

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

1

Office Action Summary	Application No. 09/988,347	Applicant(s) OGAWA ET AL.	
	Examiner Geoffrey L. Knable	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8-3-2006 has been entered.
2. Claim 12 remains withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the replies filed on 4-5-2004 and 12-1-2004.
3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 7, it is not entirely clear what is "in an unvulcanized state" - while it seems that the intent of this language is that it is the carcass band that is in an unvulcanized state, it seems that this language could be read as referring to the state of the strip in the winding/joining step rather than the state of the carcass band. It is suggested that for example this language be amended to define "carcass band, the carcass band being in an unvulcanized state,..." to avoid this potential ambiguity. For

purposes of this action, this language will be read as requiring that the carcass band be in an unvulcanized state but clarification is required.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Landsness (US 4,279,683) or DE 19831747 to Continental alone or (under 35 USC 103(a) only) either of these references taken further in view of Tokunaga et al. (US 5,380,384).

These references are applied for substantially the reasons already of record in prior office actions. In particular, Landsness (previously applied and now reapplied in view of the amendments to the claims) discloses a process for making a tire in which the tread and sidewall may be wound and joined to a toroidally shaped "green" (i.e. unvulcanized) tire carcass (esp. col. 1, lines 58+; figs. 5-6). Further, the carcass has apparently been toroidally shaped from cylindrical form as typical (e.g. note col. 1, lines 34+), it being noted that even if it were not considered to be an explicit disclosure that the carcass is shaped from cylindrical form, such would have certainly been the natural and obvious technique to form the toroidal carcass in light of the reference to typical two stage building at col. 1, lines 34+ as well as the extremely common, well known and typical nature of such a building technique in which the tire is initially built on a cylindrical drum followed by expansion. Further, Landsness clearly indicates that the strip is wound and overlapped plural times to form the component (e.g. fig. 6 - note the strip turns are clearly at least partially superimposed). Such is therefore considered to

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clearly suggest (or certainly render obvious) a method as defined in claim 1. As to claim 3, note that the reference indicates that more than one kind of components, i.e. the tread and sidewall, can be formed. As to claim 4, the components include sidewall.

Similarly, DE '747 to Continental¹ discloses a process for making a tire in which the tread and sidewall may be formed by winding an overlapped strip onto a toroidally shaped tire carcass (note esp. col. 3, lines 5-22 of Blickwedel US 6,923,879). In light of this reference to the carcass having "already been shaped" (col. 3, line 21), esp. read in view of col. 1, lines 15+ indicating the classical method includes toroidal shaping from cylindrical form, it is considered to be defining that the carcass is shaped/*expanded*. In any event, it is noted that even if it were not considered to be an explicit disclosure that the carcass is shaped from cylindrical form, such would have certainly been the natural and obvious technique to form the toroidal carcass in light of the reference to shaping/expansion as well as the extremely common, well known and typical nature of a building technique in which the tire is initially built on a cylindrical drum followed by expansion (note also col. 1 of Blickwedel as well as Tokunaga et al. described below). As to the new claim reference to the carcass being in an unvulcanized state, it is noted that Blickwedel indicates that in the inventive strip winding method the "conventional manufacturing process can be retained at least with respect to vulcanization methods" (col. 3, lines 5-17) and thus the artisan would have understood that the conventional tire

¹ previously applied and as previously noted, DE '747 is apparently equivalent to previously cited Blickwedel (US 6,923,879) - Blickwedel itself has however been withdrawn in view of applicant perfecting priority - portions of this US patent will however be referred to in this rejection as this is reasonably considered to represent an English translation of DE '747 (e.g. note the shaped priority/common figures/etc.).

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method (i.e. in which the curing/molding occurs after the green tire building - e.g. note also col. 1, lines 15-42) is included. As such, the artisan would have understood this as suggesting that the carcass can be uncured during building and otherwise vulcanized conventionally. Such is thus considered to clearly suggest (or certainly render obvious) a method as defined in claim 1. As to claim 3, note that the reference indicates that more than one kind of components, i.e. the tread and sidewall (as well as apparently the belt), can be wound/formed. As to claim 4, the components include sidewall.

As to the step of radially outward expanding a cylindrical carcass, it is again submitted that such is implicit or obvious from Landsness and DE '747 for the reasons detailed above. Tokunaga et al. was applied to further buttress this position of the well known and conventional nature of such a green tire building step, this reference further indicating that it is desirable to add the sidewall to the tire after this outward expanding step (as in Landsness and DE '747) – note esp. figs. 2f-2h. As such, even if not considered implicit in the disclosures of the primary references, outward or toroidal expansion of a cylindrical green carcass would have been understood as representing the typical and standard way in which tires are built and toroidally shaped.

7. Applicant's arguments filed 8-3-2006 have been fully considered but they are not persuasive at least as regards the remaining/renewed rejections detailed above.

With respect to the 35 USC 112, first paragraph rejection, applicant's arguments that this rejection was based on an improper interpretation of the claims are not agreed with - nevertheless, since applicant has removed the language for which support was lacking, these arguments are moot and this rejection has been withdrawn.

As to the rejection based upon DE '747 or Blickwedel, as noted above, Blickwedel has been withdrawn in view of the perfected priority claim (taken with the removal of the new matter) but the rejection over DE '747 remains (Blickwedel representing a translation of DE '747). Applicant has referred to col. 4, lines 40-44 of Blickwedel and argued that this reference requires that the carcass be at least partially vulcanized. This part of the patent however is referenced as a "further advantageous embodiment" (col. 4, line 40), it being considered that this would have been read to represent an *alternative* embodiment rather than a limitation for all embodiments of the described process. Note especially Blickwedel indicates that in the inventive strip winding method the "conventional manufacturing process can be retained at least with respect to vulcanization methods" (col. 3, lines 5-17) and thus the artisan would have understood that the conventional tire method (i.e. in which the curing/molding occurs after the building - e.g. note also col. 1, lines 15-42) is included. As such, the artisan would have understood this as suggesting that the carcass can be uncured during building and otherwise vulcanized conventionally - note also Tokunaga et al. (e.g. col. 1) with respect to the conventional nature of formation of green (i.e. unvulcanized) tires.

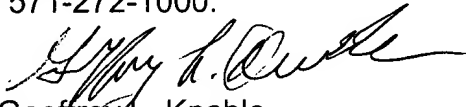
The rejection over Ikeda et al. has been withdrawn in view of the perfected priority claim (taken with the removal of the new matter).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
October 14, 2006